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**IN THE UNITED STATES DISTRICT COURT  
 FOR THE NORTHERN DISTRICT OF CALIFORNIA**

Bernard Mitchell, an individual, S. Mitchell, Trustee of the BSM Living Trust  Plaintiff,  vs.  <b>ONEWEST Bank, FSB, Deutsche Bank National          Trust Company, Does 1-10</b>  Defendants.	Civil Case No C10-04207 JSW ADR  <del>[PROPOSED]</del> ORDER ON <i>EX PARTE</i> APPLICATION AND STIPULATION TO RESCHEDULE HEARING DATE.
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**ORDER**

The Parties submit an *Ex Parte* Application and Stipulation to Reschedule Hearing Date as to Defendants' Motion to Dismiss now set for February 11, 2011. Said application is based on the unavailability of Plaintiffs' counsel to prepare a timely opposition due to a health challenge which requires medical attention and absence from work.

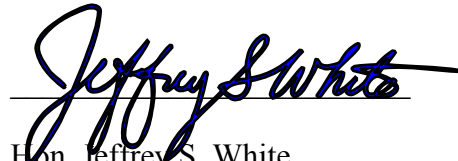
**Now Therefore GOOD CAUSING APPEARING**, the *Ex Parte* Application and Stipulation to Reschedule Hearing is GRANTED. The hearing on Defendants' Motion to Dismiss now set for February 11, 2011, 9:00 a.m. at 9:00 a.m. in Courtroom 2 is now rescheduled to:

Date: ~~February 25, 2011~~ March 4, 2011  
 Time: 9:00 a.m.  
 Courtroom: 2

1 The Parties shall comply with the Civil Local Rules as to the filing of oppositions and reply  
2 memorandum based on the above rescheduled hearing date.

3 **IT IS ORDERED.**

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6 Dated: January 24, 2011

A handwritten signature in black ink, reading "Jeffrey S. White", written over a horizontal line.

Hon. Jeffrey S. White  
Judge, United States District Court